

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THOMAS SIERRA,)	
)	
<i>Plaintiff,</i>)	No. 18 C 3029
)	
<i>v.</i>)	Hon. John Z. Lee,
)	District Judge
)	
REYNALDO GUEVARA, <i>et al.</i> ,)	Hon. M. David Weisman,
)	Magistrate Judge
<i>Defendants.</i>)	

PARTIES' JOINT STATUS REPORT

Pursuant to the Court's order (Dkt. 244), the parties submit the following joint status report:

A. Current Deadlines/ Magistrate Referral

1. The deadline for fact discovery in this case is set for June 25, 2021. No deadlines for expert discovery or dispositive motions have been set. The parties are not requesting that this Court set expert discovery or dispositive motion deadlines at this time.

B. Progress of Discovery

2. Discovery is ongoing in this case. Since the parties last appeared for a status hearing in this case, the parties have continued to engage in written discovery. The parties are continuing to work to coordinate additional remote depositions of third-party witnesses.

3. Defendant's position is that Plaintiff issued a subpoena to the Cook County Public Defender for approximately 600 files on December 21, 2020. To date,

no files have been produced, and there is no timetable for when the files will be produced. Defendant City intends to issue a subpoena for any CCSAO files produced by the CCPD, but it cannot do so until the CCPD produces the files it has been able to locate. Plaintiff's position is that Defendants know what files are at issue because the City of Chicago has already produced these files in this case. Defendants can subpoena these files from the CCSAO without delay if they so choose to do so.

4. Plaintiff has requested dates for the following party depositions:

- Defendant Anthony Wojcik - The City is working on getting a date for Defendant Wojcik.
- Defendant John McMurray - The City is working on getting a date for Defendant McMurray.
- Defendant George Figueroa - The City is working on getting a date for Defendant Figueroa.
- Defendant Ed Mingey - The City is working on getting a date for Defendant Mingey.
- Defendant Robert Biebel - The City is working on getting a date for Defendant Biebel.

5. Plaintiff has requested dates for the following third-party officer depositions:

- Third-party Officer Rodriguez - The City is working on getting a date for Officer Rodriguez.

- Third-party Officer Motzny - As this deposition was just requested, the City is working on locating and getting a date for Officer Motzny.
- Third-party Evidence Tech Fogarty - As this deposition was just requested, the City is working on locating and getting a date for Officer Fogarty.
- Third-party Detective Bongiorno - As this deposition was just requested, the City is working on locating and getting a date for Officer Bongiorno.
- Third-party Officer Ron Malczyk - As this deposition was just requested, the City is working on getting a date for Officer Malczyk.
- Third-party Officer T. Coates - As this deposition was just requested, the City is working on locating and getting a date for Officer Coates.
- Third-party Crime Lab Officer Richard Chenow - As this deposition was just requested, the City is working on locating and getting a date for Officer Chenow.

6. Regarding the deposition of third-party witness Alberto Rodriguez, the parties are coordinating with Forest City Low FCI, where Mr. Rodriguez is an inmate. Plaintiff intends to renew his motion for leave to take Mr. Rodriguez's deposition with additional information. Plaintiff's counsel intends to take this deposition in person.

7. The deposition of Jose E. Melendez was scheduled for a deposition on April 12, 2021 but was cancelled in light of the Plaintiff's pending motion for a protective order and the court's briefing schedule, explained in more detail below.

8. Additionally, Defendants requested, and the parties had previously scheduled the deposition of third-party damages witness Tomas Sierra, but it was unfortunately canceled. Plaintiff continues to attempt to coordinate Mr. Sierra's remote deposition. Mr. Sierra is elderly, has health problems, and lives out of state. In addition, Mr. Sierra has limited access to the technology necessary to conduct remote depositions. Plaintiff's counsel will make every effort to reschedule Mr. Sierra's deposition in May or early June.

9. Defendants also request the deposition of Plaintiff. As this deposition was just requested, Plaintiff's counsel is working on getting dates for their client.

10. The parties are working to schedule the following third-party depositions:

- ASA William Farrell
- ASA Patti Sudendorf
- ASA Joseph Alesia
- Hector Montanez

11. The deposition of third-party witness Lucy Montalvo is scheduled for May 19, 2021.

12. The parties are additionally considering whether to schedule several other non-police personnel third-party witnesses.

C. Pending Motions

13. Plaintiff's Motion for a Protective Order to Prevent Duplicative Depositions of Third-Party Witnesses in Guevara Cases Dkt # 245 has been fully briefed and is before the Court.

14. Plaintiff also filed a Motion to Compel Production of *Monell* Homicide Files without Improper Redactions. Dkt # 253. The Court entered a briefing schedule on 4/14/2021.

15. Plaintiff's Rule 72 objections regarding the production of *Klipfel* documents remain pending before the District Judge.

Dated: April 26, 2021

Respectfully submitted,

/s/ Sean Starr
Jon Loevy
Anand Swaminathan
Steven Art
Josh Tepfer
Sean Starr
Rachel Brady
John Hazinski
Loevy & Loevy
311 N. Aberdeen St.
Chicago, Illinois 60607
(312) 243-5900
For Plaintiff

CELI MEZA
Acting Corporation
Counsel of the City of
Chicago

/s/ Eileen E. Rosen
Eileen E. Rosen
Catherine M. Barber
Theresa Berousek Carney
Austin G. Rahe
Special Assistant
Corporation Counsel
Rock Fusco & Connelly,
LLC
321 N. Clark Street, Suite
2200
Chicago, Illinois 60654
(312) 494-1000

/s/ Josh M. Engquist
James G. Sotos
Josh M. Engquist
Jeffrey R. Kivetz
David A. Brueggen
Samantha J. Pallini
Special Assistant
Corporation Counsel
The Sotos Law Firm, P.C.
141 W. Jackson, Suite
1240A
Chicago, Illinois 60604
(630) 735-3300
**For Defendants JoAnn
Halvorsen, as Special
Representative for
Ernest Halvorsen,
deceased, Wojcik,**

**For Defendant City of
Chicago**

**McMurray, Figueroa,
and Biebel**

/s/ Megan K. McGrath
Megan K. McGrath
Thomas M. Leinenweber
James V. Daffada
Kevin E. Zibolski
Special Assistant
Corporation Counsel

Leinenweber Baroni &
Daffada, LLC
120 N. LaSalle Street,
Suite 2000
Chicago, Illinois 60602
(312) 663-3003
**For Defendant
Guevara**

CERTIFICATE OF SERVICE

I, Sean Starr, an attorney, hereby certify that on April 26, 2021 I caused the foregoing Joint Status Report to be filed using the Court's CM/ECF system, thereby effectuating service on all counsel of record.

/s/ Sean Starr
Attorney for Plaintiff